

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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ELIAS A. MURDOCK,

Plaintiff,

v.

Civil File No. 09-3001 (JMR/JJG)

**ORDER**

RAMSEY COUNTY COMMUNITY  
CORRECTIONS DEPARTMENT, TIM CAREY,  
MAUREEN MUNSON, MATT NELSON,  
JASON RUDOLPH, RAMSEY COUNTY  
DISTRICT COURT, CRIMINAL DIVISION,  
CITY OF ST. PAUL DEPARTMENT OF  
PUBLIC SAFETY, BARB McMONIGAL,  
JEFFREY FISCHBACH, CHRISTINE ROZEK,  
CITY OF ST. PAUL POLICE DEPARTMENT,  
CITY OF ST. PAUL DEPARTMENT OF  
PUBLIC WORKS, CITY OF ST. PAUL MAYOR  
CHRIS COLEMAN, CITY OF ST. PAUL CITY  
COUNCIL ALL MEMBERS, CITY OF ST.  
PAUL ATTORNEYS, JOHN PENLAND,  
STEVEN HENG, ST. PAUL PIONEER PRESS,  
EMILY GURNON, and JASON HOPPIN,

Defendants.

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Plaintiff commenced this action on October 26, 2009, by filing a self-styled complaint, and an application seeking leave to proceed in forma pauperis, (“IFP”). (Docket Nos. 1 and 2.) The Court previously examined Plaintiff’s submissions, and determined that his complaint was gravely deficient. Therefore, in an order dated October 28, 2009, (Docket No. 3), the Court informed Plaintiff that his IFP Application would “not be granted at this time.” That order gave Plaintiff an opportunity to file an amended complaint, and expressly advised him that if he did not file a new pleading by November 30, 2009, the Court would recommend that this action be dismissed without prejudice pursuant to Fed. R.

Civ. P. 41(b).

The deadline for filing an amended complaint has now expired. To date, however, Plaintiff has not complied with the Court's prior order, nor has he offered any excuse for his failure to do so. Indeed, Plaintiff has not communicated with the Court at all since he filed his complaint. Therefore, the Court will now recommend, in accordance with the prior order, that this action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). See Henderson v. Renaissance Grand Hotel, 267 Fed.Appx. 496, 497 (8<sup>th</sup> Cir. 2008) (unpublished opinion) ("[a] district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order"); see also Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962) (recognizing that a federal court has the inherent authority to "manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases").

Based upon the above, and upon all the records and proceedings herein,

IT IS HEREBY RECOMMENDED that:

1. Plaintiff's Application To Proceed In Forma Pauperis, (Docket No. 2), be **DENIED**; and

2. This action be **DISMISSED WITHOUT PREJUDICE**.

Dated: December 4, 2009

s/ Jeanne J. Graham  
JEANNE J. GRAHAM  
United States Magistrate Judge

Pursuant to D. Minn. LR 72.2(b), any party may object to this Report and Recommendation by filing and serving specific, written objections by **December 21, 2009**. A party may respond to the objections within ten days after service thereof. Any objections or responses filed under this rule shall not exceed 3,500 words. A District Judge shall make a de novo determination of those portions to which objection is made. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the United States Court of Appeals for the Eighth Circuit.